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Any Del. No.: LATE 037
USSN: 10/029,525

REMARKS

Formal Matters

Claims 1-3, 7-10 and 15-19 are pending after entry of the amendments set forth herein.

Claims 1-14 were examined. Claim 1 was rejected. Claims 2, 3 and 7-10 were objected to but indicated to be allowable if rewritten in independent form. The Applicant thanks the Examiner for the indication of allowability.

Claims 15-19 are allowed. Applicants thank the Examiner for the allowance of claims 15-19.

Applicants respectfully request reconsideration of the application in view of the remarks made herein.

Rejection Under 35 U.S.C. §103

In the Office Action, claim 1 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kahler in view of Schreiber et al. or Yokota et al. Applicants respectfully traverse the rejection.

The Applicant notes that claim 1 was already allowed over Kahler in view of Schreiber et al. and directs the Examiner's attention to the Notice of Allowability dated June 18, 2003 in which claim 1 was allowed. As the Examiner previously indicated claim 1 to be allowed, the Applicant is unclear why this claim is again being rejected over the same references and respectfully submits that claim 1 is patentable over Kahler in view of Schreiber et al., as acknowledged by the Examiner in the Notice of Allowability dated June 18, 2003.

Furthermore, Schreiber et al. is cited solely for describing an analyzer and, as described above, claim 1 is patentable over Kahler in view of Schreiber et al. Yokota et al. is also cited solely for describing an analyzer. Accordingly, for reasons analogous to those with respect to the patentability of claim 1 over Kahler in view of Schreiber et al., the Applicant respectfully submits that claim 1 is patentable over Kahler in view of Yokota et al.

Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the rejection.

Objected To Claims

Claims 2, 3 and 7-10 are objected to as being dependant upon a rejected base claim, but are indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicant thanks the Examiner for the indication of allowability.

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Allowed Claims

Claims 15-19 are allowed. The Applicant thanks the Examiner for the allowance of claims 15-19.

Conclusion

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number LIFE-037.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: 4/27/04

By: [Signature]
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